

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION  
5:22-BK-70349  
CHAPTER 7**

**IN RE:** CHRISTINE A. HARP, DEBTOR(S)

**NOTICE OF OPPORTUNITY TO OBJECT TO:  
MOTION TO SELL REAL PROPERTY AND PAY REAL ESTATE COMMISSION  
AND OPPORTUNITY AND PROCEDURE FOR SUBMISSION OF OVERBIDS**

**Real Property Address:**

3461 Earnhardt Drive, Fayetteville, Washington County, Arkansas

**Proposed Buyer(s):**

James Setter and DeAnna Dunn

**Proposed Price:**

US\$320,000.00

**TO CREDITORS, THE UNITED STATES TRUSTEE, THE DEBTOR(S), AND OTHER  
INTERESTED PARTIES:**

**PLEASE TAKE NOTICE** that J. Brian Ferguson, Chapter 7 Trustee of the estate of the captioned Debtor, intends to sell the estate's interest and the co-owner's interest in the Real Property described above (the "Property") to the Proposed Buyer(s) identified above, or their designee (the "Buyer") for the Proposed Price stated above. The Trustee has accepted the offer of the Buyer, subject to the opportunity for other parties to submit overbids on the same terms. The sale is subject to Bankruptcy Court approval. The Buyer's Offer is subject to contingencies for physical inspections, appraisal, and loan.

The Trustee has agreed to a credit to the Buyer for recurring and non-recurring closing costs in the amount of \$5,000.

The Property is subject to one (1) voluntary lien in favor of U.S. Bank National Association not in its individual capacity but solely as Legal Title Trustee for RMTP Trust, Series 2021 BKM-TT-V in an estimated total amount of \$234,250.00. It is the Trustee's intent to pay this debt in full with proceeds of the sale.

The Property is subject to one (1) involuntary lien, an assessment Lien in favor of the Salem Heights Property Owners Association, Inc. (the "POA Lien") in the approximate amount of \$270.00. It is the Trustee's intent to pay this debt in full with proceeds of the sale.

The Trustee intends to pay a real estate commission equivalent to of 1.72% of the sales price to Re/Max Real Estate Results of Bentonville, Arkansas, and 2.5% to Gibson Real Estate of Rogers, Arkansas as buyer's agent; therefore, the Trustee proposes to pay a total commission of 4.22% of the sales price. The Trustee additionally intends to pay the real estate

agent the sum of \$1,032.70 as reimbursement of expenses for making the Property ready for sale. The Trustee's Broker has agreed to reduce their commission from 2.5% to 1.72% in order to maximize return to The Estate.

The sale is subject to overbid and a successful overbidder also paying as part of its overbid the Motion to Sell filing fee of \$188.00. Thus, the Trustee is giving the Buyer overbid protection of \$5,188.00. Therefore, the minimum overbid must be \$325,188.00. Overbids must conform to the terms of the Buyer's offer described above or have more favorable terms. Overbidders must be prepared to close escrow within 15 days after entry of an order authorizing the Trustee to sell the Property or 60 days after the date of this notice, whichever is later.

Anyone who wishes to submit an overbid should contact the Trustee's broker, Nathan Genovese, at 707-205-6797 or [bktrusteerealestate@gmail.com](mailto:bktrusteerealestate@gmail.com) to arrange for inspections.

A qualifying overbid must be presented in writing to the Trustee's broker at the address below, must be in the minimum amount of \$325,188.00, must be supported by evidence of financial ability to close escrow, and must be accompanied by a cashier's check in the amount of \$5,188.00 payable to "J. Brian Ferguson, Chapter 7 Trustee." Overbids must be submitted for receipt by Mr. Genovese no later than 7 PM prevailing Central Time in the United States on Friday, July 29, 2022 at the following address: Nathan Genovese, Re/Max Real Estate Results, 3103 SE Moberly Lane, Bentonville, AR 72712.

If a qualifying overbid is received, the Trustee will schedule an auction to which the Buyer and overbidder or overbidders will be invited. The auction will be conducted by telephone and will be scheduled promptly after the Monday, 1st August 2022 deadline for submission of overbids. The Trustee will make reasonable effort to accommodate the schedules of the Buyer and the overbidders.

Overbidders and the Buyer should be prepared to engage in bidding increments of no less than \$1,000. The Trustee will announce additional auction terms, if any, at the auction. The Trustee will conduct the auction and will select the highest and best bid in the exercise of his sole discretion. He will present the highest and best bid to the Bankruptcy Court for approval and will return the deposits of unsuccessful bidders promptly. The deposit of the successful bidder will be retained and applied to the purchase price and will become non-refundable upon entry of an order of the Bankruptcy Court authorizing the Trustee to complete the sale, provided that no legal impediment prevents the Trustee from conveying title. If no overbid is received, the Trustee will present the offer of the Buyer described above for approval by the Bankruptcy Court.

Legal authority for the sale is set forth in the Trustee's motion on file with the Bankruptcy Court. The motion is available from counsel for the Trustee on request of any creditor who does not have PACER access.

The Trustee is requesting a waiver of the 14-day stay of the effectiveness of an order imposed by Rule 6004(h) of the Federal Rules of Bankruptcy Procedure.

**Any objection to the requested relief, or a request for hearing on the matter, must be filed and served upon the Trustee within 21 days of date of this Notice written below;**

**Any objection or request for a hearing must be accompanied by any declarations or memoranda of law any requesting party wishes to present in support of its position;**

**If there is no timely objection to the requested relief or a request for hearing, the court may enter an order granting the relief without any further notice; and**

**In the event of a timely objection or request for hearing, the court will set for hearing any such matter by subsequent notice.**

**J. Brian Ferguson, Chapter 7 Trustee for Christine Harp**

Notice Dated: July 8, 2022.

Respectfully submitted,  
/s/ J. Brian Ferguson  
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